

Remarks

1. Summary of Office Action

In the office action dated June 1, 2004, the Examiner rejected claims 1-12 under 35 U.S.C. § 103 as being obvious in view of Snyder (U.S. Patent No. 5,278,907) and Barron (U.S. Patent No. 6,658,112. Additionally, the Examiner objected to claim 5 as containing an informality.

2. The Claimed Invention

The present invention, as recited in various ways in each of Applicant's claims, is directed to a method and apparatus whereby a voice and/or data is scrambled to prevent easy access to the data. Each of the claims, in one way or another, includes the elements of selecting a vocoder operational mode of an "operational mode processor" to either vocode the data or bypass the vocoding function in response to an "operational mode control signal." The data from the operational mode processor is then scrambled based on the output of a random number generator.

3. Response to § 103 Rejections

The Examiner rejected claims 1-12 under 35 U.S.C. § 103 as being obvious in view of Snyder and Barron. Applicant respectfully traverses the rejections because Snyder and Barron fail to teach all of the elements of any of these claims as required by M.P.E.P. § 2143 to establish an obviousness rejection. In addition, there is no motivation to combine the references.

By way of example, both Snyder and Barron fail to disclose the elements of "an operational mode processor for vocoding or bypassing a voice/data packet received from

a radio channel interval, based on the operational mode control signal of the controller” (claim 1) or “vocoding a descrambled PCM signal or bypassing a descrambled packet based on an operational mode signal” (claim 12). In particular, Snyder relates to analog communication techniques that do not utilize vocoders to convert the voice signal into digital data signals. In Snyder, the voice signal is encoded by inverting the spectral characteristics of the signal while it remains in analog format via inverter 18, resulting in “time-varying, pseudo-random spectral modification.” Snyder Col. 5, lines 62-63. The inversion frequency is controlled by the digital data that is sent to the receiver over the communication sub-band. Snyder Col. 5, lines 39-42. Thus Snyder does not disclose anything resembling an “operational mode processor for vocoding.”

Similarly, Applicants can find no mention of a vocoder having a bypass mode, and the Examiner has not cited any portion of Barron that discloses one. Barron appears to do standard vocoding operations.

Under M.P.E.P. § 2143, in order to establish a *prima facie* case of obviousness of a claimed invention by applying a combination of references, the proposed combination must teach or suggest all of the elements of the claimed invention, which the combination of Snyder and Barron fails to do. Therefore, a *prima facie* case of obviousness does not exist for any of claims 1-12.

The Examiner also acknowledges that Snyder does not disclose the use of PCM data signals. Applicant submits however, that claims 1 and 12 recite the use of a “*vocoded* PCM” signal or “*vocoding* a descrambled PCM signal”. Applicants submit that the art provides no suggestion to extend Snyder to the use of *vocoded* PCM data as disclosed in Barron. The only basis for extending Snyder in this way is Applicant's

claims, i.e., Applicant's invention; yet it is impermissible to use Applicant's claims as a blueprint for hindsight reconstruction. Consequently, the combination of Snyder and Barron fails to teach or suggest all of the elements of the claims, and Applicant respectfully submits that a *prima facie* case of obviousness does not exist.

4. Conclusion

For the reasons set forth above, Applicant submits that claims 1-12 are in condition for allowance and respectfully request the Examiner to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney, at 312-913-3305.

Respectfully submitted,

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December 1, 2004

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